



BOARD OF PUBLIC WORKS & SAFETY OCTOBER 6, 2005 AGENDA

Mayor Charles Henderson called the meeting to order at 8:35 a.m.

PRESENT:	Board members Warren Beville, Mayor Henderson, Kevin Hoover; City Attorney Shawna Koons-Davis; Director of Engineering Paul Peoni; and Deputy Clerk Kathie Fritz.
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Mr. Hoover moved to accept the minutes of September 22nd as presented. Second by Mr. Beville. Vote: Ayes.

Mr. Peoni presented all items for Timber Valley, Section 3, as Mr. Haslett was not in attendance. C.P. Morgan is asking for acceptance of Inspection & Testing Agreements and a performance bond for erosion control for Timber Valley, Section 3. The agreements are on the City form and are acceptable. The upfront deposit has been paid. The amount and improvement shown on the bond is correct. Mr. Beville moved to:

- 1) Accept the Inspection & Testing Agreement for all improvements except the sanitary sewers and ratify the acceptance of the 50% upfront fee for Timber Valley, Section 3.
- 2) Accept the Inspection & Testing Agreement for the sanitary sewers and ratify the acceptance of the 50% upfront fee for Timber Valley, Section 3.
- 3) Accept performance bond #08824431 from Fidelity and Deposit Company of Maryland in the amount of \$149,702 for the installation of the erosion control at Timber Valley, Section 3, all subject to:
 - a. Final review and approval of the bond form by the Law Department.

Second by Mr. Hoover. Vote: Ayes.

Fred Leimberger of Precedent, for Homecoming at University Park, Section 6, asked for acceptance of improvements, acceptance of maintenance and performance bonds and execution of the plat. A field inspection shows that all improvements being requested for acceptance appear to have been satisfactorily installed. The bond form for all bonds EXCEPT the stone base, bituminous base, bituminous binder have been approved by the Law Department and are acceptable. The 1/3 SAF has been paid by the SAF Credit #200 Agreement. Minor revisions are needed on the plat and the as-builts. Mr. Hoover moved to:

- 1) Accept the sanitary sewers at Homecoming at University Park, Section 6, subject to Keith Meier, Sanitation Superintendent, approval.
- 2) Accept three (3) year maintenance bond #5018040 in the amount of \$23,246 from Bond Safeguard Insurance Company for the sanitary sewers at Homecoming at University Park, Section 6.
- 3) Accept the dirtwork and storm sewers at Homecoming at University Park, Section 6.
- 4) Accept three (3) year maintenance bond #5018039 in the amount of \$51,882.89 from Bond Safeguard Insurance Company for the dirtwork and storm sewers at Homecoming at University Park, Section 6.
- 5) Accept the stone base, bituminous base, bituminous binder and concrete curbs (streets) at Homecoming at University Park, Section 6.
- 6) Accept three (3) year maintenance bond #104603770 in the amount of \$30,501.24 from St. Paul Fire and Marine Insurance Company for the stone base, bituminous base and bituminous binder (streets) at Homecoming at University Park, Section 6.
- 7) Accept three (3) year maintenance bond #5018882 in the amount of \$18,656 from Bond Safeguard Insurance Company for the concrete curbs at Homecoming at University Park, Section 6.
- 8) Accept performance bond #5018036 in the amount of \$20,783.40 from Bond Safeguard Insurance Company for the installation of the bituminous surface and tack coat at Homecoming at University Park, Section 6.

- 9) Accept performance bond #5018037 in the amount of \$2,416.70 from Bond Safeguard Insurance Company for the installation of the signs and monuments at Homecoming at University Park, Section 6.
- 10) Accept performance bond #5018038 in the amount of \$66,671 from Bond Safeguard Insurance Company for the installation of the sidewalks at Homecoming at University Park, Section 6.
- 11) Execute the plat, all contingent upon:
 - a. Final payment of any Inspection & Testing fees (city), if applicable.
 - b. Final review and approval of the plat by the Engineering and Planning departments.
 - c. Final receipt of revised mylar as-builts (2 sets).
 - d. Final review of maintenance bond #104603770, for stone base, bituminous base and bituminous binder by the Law Department.

Second by Mr. Beville. Mr. Peoni noted that the City Attorney had reviewed the bond this morning and found it acceptable. Vote: Ayes. Mr. Leimberger discussed a possible schedule for the Woodfield Subdivision and the Honey Creek road improvements, possibly the week after next. He said proper notification would be given to public safety officials and schools, which may be on fall break.

Brian Sullivan of Mann Properties discussed a request to modify their current 15 Year Law Sewer Service Agreement for Brookhaven, Section 1, due to extraordinary dewatering costs that was required during the construction of the gravity sewers and force main along Paddock Road. Both the Engineering and Sanitation departments have reviewed the change orders involved (numbers 2, 3, 6, 7, 8, 9, 11, 12, 16 and 17). They have been found to be acceptable, said Mr. Peoni, who believes it is a cost that could be recouped. The Sanitation Superintendent concurs that the cost was necessary to complete construction. The total amount of the amendment being requested is \$302,931.83. Mr. Beville moved to:

- 1) Authorize the City Attorney to prepare a modification (amendment) to their current 15 Year Law Sewer Service Agreement for Brookhaven Subdivision, Section 1 and authorize the Mayor to sign on the Board's behalf.

Second by Mr. Hoover. Vote: Ayes.

Also for Brookhaven, Section 1, Mr. Sullivan asked for acceptance of the sanitary sewers, the maintenance bond, the Owner's Certificate of Completion and a plat over sanitary sewer easement, as well as execution of the plat. Mr. Peoni confirmed that the amount and improvements shown on the maintenance bond is correct and approved by the Engineering Department. The Law Department has approved the bond for form. The plat over easement has been reviewed and approved by both the Engineering and Law department. All SAF, 15 Year Law, outside engineering review and final sanitary inspection fees have been paid. The plat has been reviewed and approved by the Engineering Department. The Owner's Certificate of Completion has been reviewed and found acceptable by both the Engineering and Law departments. Paper as-builts have been reviewed and are acceptable. Mr. Hoover moved to:

- 1) Accept the sanitary sewers at Brookhaven Subdivision, Section 1, subject to Keith Meier, Sanitation Superintendent approval.
- 2) Accept three (3) year maintenance bond #5018639 in the amount of \$241,378.50 from Bond Safeguard Insurance Company for the offsite/ onsite sanitary sewers, lift station and force main at Brookhaven Subdivision, Section 1.
- 3) Accept Owner's Certificate of Completion of Improvements and Contractor's Affidavit for Brookhaven Subdivision, Section 1.
- 4) Accept one (1) plat over sanitary sewer easement.
- 5) Execute the final plat, all contingent upon:
 - a. Receipt of mylar as-builts (2 sets)

Second by Mr. Beville. Vote: Ayes.

Joe Meyer of KOE Engineering was next for Greenwood Springs Commercial Subdivision, Block 3 to ask for acceptance of the Inspection & Testing Agreements (both general and sanitary sewer), acceptance of performance guarantees, acceptance of two off-site plat over easements and execution of the plat. Improvements and amounts shown on the submitted performance Letters-of-Credit (LOC's) are correct and have been approved by the Law Department for form. Mr. Meyer indicated that the performance guarantee for signs and monuments would be an official check. This will need to be approved by the Law Department. There are minor modifications needed to the legal descriptions, graphic exhibits and form of the plat over easements. Minor revisions are also needed to the plat. Mr. Hoover moved to:

- 1) Accept performance LOC #1155 in the amount of \$194,926.67 from Lincoln Bank for the installation of the dirtwork and storm sewers at Greenwood Springs Commercial Subdivision, Block 3.

- 2) Accept performance LOC #1158 in the amount of \$122,556.78 from Lincoln Bank for the installation of the streets at Greenwood Springs Commercial Subdivision, Block 3.
- 3) Accept performance LOC #1157 in the amount of \$69,053.44 from Lincoln Bank for the installation of the sanitary sewers at Greenwood Springs Commercial Subdivision, Block 3.
- 4) Accept performance LOC #1156 in the amount of \$44,608.96 from Lincoln Bank for the installation of the erosion control at Greenwood Springs Commercial Subdivision, Block 3.
- 5) Accept performance LOC #1159 in the amount of \$12,813.90 from Lincoln Bank for the installation of the sidewalks at Greenwood Springs Commercial Subdivision, Block 3.
- 6) Accept Official Check (# N/A) in the amount of \$405 from Lincoln Bank for the installation of the signs and monuments at Greenwood Springs Commercial Subdivision, Block 3.
- 7) Accept the Inspection & Testing Agreement for all improvements except sanitary sewers and ratify acceptance of the 50% upfront fee.
- 8) Accept the Inspection & Testing Agreement for sanitary sewers and ratify acceptance of the 50% upfront fee.
- 9) Accept and execute two (2) off-site plat over sanitary sewer, drainage and utility easements.
- 10) Execute the final plat, all subject to:
 - a. Final review and approval of the plat by the Engineering and Planning departments.
 - b. Final review and approval of the two (2) revised plat over easements by the Engineering and Law Departments.
 - c. Receipt and final review and approval of the official check for signs and monuments by the Engineering Department and Clerk-Treasurer.

Second by Mayor Henderson. Vote: Ayes.

Brian Kochersperger of Hunt Paving came forward to discuss a denied claim on the Meridian Street Reconstruction Project from County Line Road to the railroad tracks. He recounted that the project was delayed for about a year through no fault of Hunt Paving (minutes of the Board's 8/21/03 and 8/19/04 meetings are in attachments of this meeting). The request for \$39,938.02 was presented to the City prior to the start of construction, said Mr. Kochersperger. He discussed other changes upon completion of the project – mostly design error related, he added, and extra costs to maintain traffic. Mr. Kochersperger understands an additional appropriation was approved by the Common Council. Hunt submitted final invoices this spring, he stated, and he was told he needed to come before the Board. He asked what Hunt Paving needed to do in order to get compensated for the cost increases that were beyond their control due to the utility relocation. The Director of Operations recalled suggesting to the Board that they forgo pursuing liquidated damages, which staff estimated was more than the amount Hunt was requesting for inflation. Mr. Gabehart stressed that a completion date for the project was not renegotiated. Mr. Peoni agreed with that recollection and referred to the pertinent copies of the Board minutes. In response to Mr. Beville, Mr. Gabehart stated that he still recommends that the Board deny the change order. During discussion, the City Attorney cited the contract as stating that the project was to be completed within 120 days after the Notice to Proceed date “unless the period for completion is extended otherwise by executed agreement of all parties”. Mr. Peoni mentioned that the utility delay was occasioned before the Notice to Proceed. Mr. Hoover summed up that the increased pricing of the materials and labor over the course of the delay may be a legitimate issue but that doesn't change the completion date for the liquidated damages issue. Ms. Koons-Davis noted that their contract states that the contractor “shall be liable for liquidated damages of \$200 per calendar day for each day after the last date of completion”. This led to discussion of delays occasioned by the City due to the new commercial development at County Line Road, added drainage work, design flaws, etc. Mr. Peoni had looked at the increased prices provided by Hunt in May, 2003 and told the Board that that they had seemed reasonable. Mr. Hoover estimates a 10-month period from what should have been the completion date to the end of the project, which he said equates to a roughly \$60,000 claim for liquidated damages. Two of those months could have been occasioned by requested delays by the City because of other work stated above, as Mr. Peoni explained. As Mr. Kochersperger mentioned, work not done by November 15th due to weather related problems by most standards (INDOT) is completed after April 15th the next spring. Mr. Hoover emphasized that he still believed, as he did in the previous meetings in 2003 and 2004, that the lay members of the Board should ask the Mayor and staff to work out the details of this negotiation with Hunt Paving. There was more discussion relating to conditions in the field at the time of the project and other issues. Mayor Henderson then said that he would try to set a time after the meeting to discuss the issues with all parties.

From the audience, Mike Boas with Signature Construction brought up the Trotters' Pointe project. They have a required cut on Main Street that they would like to do Monday, October 10th; he turned in the request on Wednesday. The cut would take one day. They would set out their detour signs tomorrow, said Mr. Boas, if the Board gave permission. Mr. Peoni understood the hours would be from 9:00 to 2:00

with Main Street open again by afternoon rush hour. Mr. Boas agreed with this. Mr. Peoni indicated that a storm pipe does have to go across Main Street. Mr. Hoover moved to grant the road cut permit on East Main Street near Combs Road for October 10th, with the final terms, plans and notification of detours to be arranged through the Engineering Department. Second by Mr. Beville. Vote: Ayes.

Fire Chief Steve Dhondt came forward to discuss a 1991 Chevy Astro Van that the department used for arson investigation. It now needs more repairs than it is worth, said Chief Dhondt, so therefore requested that it be declared surplus equipment, of no value to the department. Mr. Beville moved to find that the 1991 Chevy Astro Van be declared surplus equipment, no longer of use to the City and is to be disposed of through proper procedure. Second by Mr. Hoover. Vote: Ayes.

On her Status of Tasks, the City Attorney first discussed requested restrictions in a sanitary sewer easement to be granted to the City regarding Harrison Crossing Development. The developer (L A Development, Inc.) must cross two parcels owned by Roland Wilham with its sanitary sewer line to connect Harrison Crossing to the City's system, therefore requiring a sanitary sewer easement from Mr. Wilham. He is willing to grant the necessary easement subject to restrictions. These are:

1. No pumping stations in the easement area.
2. No manholes, if possible; but if required only one manhole per parcel.
3. Restoration of the property to its prior condition or as close as reasonably possible following installation of the sewer line; and
4. Each parcel to be marked with sanitary sewer hook ups for future use.

The Director of Engineering and the Sanitation Superintendent have indicated that the requests are reasonable and have no objections to them. The easement area is not large enough for a pumping station and there is no plan for one in that area; there is no need for manholes on the parcels. Mr. Beville moved to approve the sanitary sewer easement restrictions requested by Roland Wilham regarding the Harrison Crossing Subdivision Development and to approve the Sanitary Sewer Easement from Wilham to the City with those restrictions incorporated therein as presented by the City Attorney. Second by Mr. Hoover. Vote: Ayes.

Ms. Koons-Davis next asked the Board to rescind its recommendation for the taxi cab rate increase made at the last meeting. Before a recommendation may be made to the Common Council, the Board must advertise and conduct a public hearing regarding Radio Cab of Greenwood's petitioned rate increases. The City Attorney has advertised that hearing for the October 20th meeting and has also prepared a Resolution for the Board regarding a recommendation on the rates that she intends to present to the Board for the October 20th meeting. In order to comply with City ordinance, Mr. Hoover moved to rescind the recommendation to the Common Council to increase taxi cab rates made by this Board at the September 22, 2005 meeting. Second by Mr. Beville. Vote: Ayes.

On his Status of Tasks, Mr. Peoni discussed the fueling station Sam's Club will be installing at Main Street and Emerson Avenue. They are asking for acceptance of their performance guarantees and the Inspection & Testing Agreement (general). The Inspection & Testing Agreement is on the City's form and acceptable. The amount and improvements shown on the performance letters-of-credit (LOC's) are correct. The City Attorney will need to review the form. Mr. Hoover moved to:

- 1) Accept performance LOC #L5LS-660582 from JPMorgan Chase Bank in the amount of \$32,483 for the installation of the earthwork and storm sewers at the Sam's Club Fueling Station site in South Park Business Center.
- 2) Accept performance LOC #L5LS-660583 from JPMorgan Chase Bank in the amount of \$9,300 for the installation of the erosion control at the Sam's Club Fueling Station site in South Park Business Center.
- 3) Accept the Inspection & Testing Agreement for all improvements except the sanitary sewers and ratify the acceptance of the 50% upfront fee, all contingent upon:
 - a. Final review and approval of the LOC form by the Law Department.

Second by Mr. Beville. Vote: Ayes.

Human Resources Director Bill Jackson came forward to seek approval of the new Employee Handbook. He indicated that incorporated in this handbook were the policies adopted by the Board at their last meeting. Mr. Beville moved to adopt the new Employee Handbook as presented. Second by Mr. Hoover. Mayor Henderson mentioned good cooperation between the Law Department and Human Resources. Vote: Ayes.

Mr. Gabehart came forward on a pending issue at the Platt residence at 309 Maple Street. He recounted that on April 22, 2005 damage was done during a pipe bursting project. Some connections were not

reconnected he explained. Heavy rains caused excessive flooding in the basement. Insurance coverage, Mr. Gabehart added, has never been based on replacement cost. He asked that the Board consider a maximum negotiation number of \$22,000 for the Board to consider as what the City would need to support the Platts' replacement value of their damaged property. The number from the insurance company is \$40,000. Mr. Gabehart stated that there is structural damage involved, as well as furniture and other issues. Mr. Hoover moved to approve the payment as described by Mr. Gabehart. Second by Mr. Beville. Vote: Ayes.

Mr. Gabehart then told the Board he had invited a few engineering firms to put a proposal together on a lift station, interceptor and force main to be located on Honey Creek, east of State Road 135, then pumping to the Hurricane Creek Lift Station. Staff did not ask for a check list of total design, wanting to see what recommendations were put forth by the firms, such as a surge analysis. Donohue & Associates, basically a total design service for that project, is asking for consideration of \$428,400. Mr. Gabehart asked for permission to negotiate a contract with Donohue & Associates, with the maximum for the scope of services, surge analysis, geotechnical investigation, utility location, etc. Donohue worked on the Eastside Interceptor Project, recalled Mr. Gabehart, so they have exposure with the Greenwood system and a parallel lift station. Mr. Beville moved to grant permission to negotiate a contract with Donohue & Associates for a lift station on Honey Creek Road east of State Road 135, as described by Mr. Gabehart not to exceed \$428,000 and authorize the Mayor to sign on behalf of the Board. Second by Mr. Hoover. Vote: ayes.

Mr. Beville moved to accept the claims as presented through October 6, 2005. Second by Mr. Hoover. Vote: Ayes.

Mayor Henderson reported that a check has been issued for the special census. He has met with Bill Jackson of Human Resources and Planning Director Ed Ferguson. Chief Information Officer Rick Jones will take care of the phones. The Police Department will allow workers to use space at their training center so the City will not have to rent space. The City is now waiting to hear back from the Census Bureau; they would not give any more information until they received the check, said the Mayor.

The turn lane from Emerson Avenue right onto Main Street is due for completion next week. Also resurfacing of Fry Road from U.S. 31 to State Road 135 will take place within the next couple of weeks.

There was next discussion on traffic around Home Depot in the parking lot, because of a letter to Board members and the City Attorney. Staff will respond stating the issue is between the private developer and the State. The Mayor asked if the Police Department was represented on the Tech Committee, as their input might help. Police have a representative who is invited, said Ms. Koons-Davis, but does not attend the meetings.

With no further business, the meeting adjourned at 9:30 a.m.